

Baker & Hostetler LLP

45 Rockefeller Plaza
New York, NY 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Kathryn Zunno-Freaney
Esterina Giuliani

*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Chapter 7 estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

MORTON KURZROK,

Defendant.

Adv. Pro. No. 09-01305 (SMB)

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL
OF ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa-*lll*, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and defendant Morton Kurzrok (“Kurzrok”), by and through his counsel, Andrew S. Lewner of Westerman Ball Ederer Miller Zucker & Sharfstein, LLP (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On June 22, 2009, the Trustee commenced this adversary proceeding (the “Adversary Proceeding”) by filing his original complaint [ECF No. 1] against multiple defendants, including Kurzrok, who is the only defendant remaining in the Adversary Proceeding.

2. On October 8, 2009, the Trustee filed his First Amended Complaint [ECF No. 82] against multiple defendants, including Kurzrok, who is the only defendant remaining in the Adversary Proceeding.

3. On December 1, 2009, Kurzrok filed an answer to the First Amended Complaint [ECF No. 101].

5. On June 25, 2020, the Parties entered into a settlement agreement (the “Settlement Agreement”) pursuant to the Settlement Procedures Order entered by this Court on November 12, 2010 [Case No. 08-01789, Dkt. No. 3181].

6. In accordance with Federal Rule of Civil Procedure 41(a)(1), made applicable hereto by Federal Rule of Bankruptcy Procedure 7041, the Parties hereby stipulate to a dismissal of the Adversary Proceeding with prejudice and without costs to either the Trustee or Kurzrok, subject to the Trustee having the right to re-open the Adversary Proceeding in the event of a default under the Settlement Agreement or any of the documents executed in connection therewith.

7. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective estates, personal representatives, executors, administrators, heirs, successors and assigns, and upon all creditors and parties in interest.

8. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

9. The Bankruptcy Court shall retain jurisdiction over this Stipulation.

Date: July 20, 2020
New York, New York

BAKER & HOSTETLER LLP

By: /s/ Kathryn Zunno-Freaney
45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
Kathryn Zunno-Freaney
Email: kzunno@bakerlaw.com
David J. Sheehan
Email: dsheehan@bakerlaw.com
Esterina Giuliani
Email: egiuliani@bakerlaw.com

*Attorneys for Plaintiff Irving H. Picard,
Trustee for the Substantively Consolidated
SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and
the Chapter 7 estate of Bernard L. Madoff*

**WESTERMAN BALL EDERER MILLER
ZUCKER & SHARFSTEIN, LLP**

By: /s/ Andrew S. Lewner
1201 RXR Plaza
Uniondale, New York 11556
Telephone: (516) 622-9200
Facsimile: (516) 622-9212
Andrew S. Lewner
Email: alewner@westermanllp.com
Attorneys for Defendant Morton Kurzrok

SO ORDERED this 20th day of July 2020.

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
United States Bankruptcy Judge